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C O N F I D E N T I A L SECTION 01 OF 03 ASHGABAT 001403

SIPDIS

STATE FOR SCA/CEN

E.O. 12958: DECL: 11/02/2019

TAGS: [PHUM](#) [PREL](#) [PGOV](#) [TX](#)

SUBJECT: TURKMENISTAN: ENVIRONMENTAL ACTIVIST ZATOKA
SENTENCED TO FIVE YEARS

Classified By: Charge Sylvia R. Curran for reasons 1.4 (b) and (d).

11. (C) SUMMARY. On October 28, Andrei Zatoka was given the maximum sentence of five years in prison for his involvement in an altercation on October 20. The victim in the case claimed that Zatoka attacked him after stepping on the man's foot and not apologizing. Zatoka and those close to him maintain that the incident was a setup and that he acted in self-defense. His attorney is planning to appeal the conviction to the regional court. One possible solution to get Zatoka out of jail lies with the fact that he is a dual Russian-Turkmen national. If he renounces his Turkmen citizenship, it is possible the Turkmen will treat him as a foreigner. There is ample precedent of the GOTX granting amnesty and then deporting convicted Turkish and other foreign nationals (including some who have been given sentences as long as 15 years) after only six to nine months of imprisonment for various violent crimes. Zatoka's wife said that her husband wants to renounce his Turkmen citizenship and wants to move to Russia. END SUMMARY.

12. On October 29, PAO visited Dashoguz and met with Evgeniya Zatoka, Umida Jumabayeva, and Mr. Zatoka's attorney, Suvat Yagmyrov, to discuss the recent imprisonment and sentencing of environmental activist Andrei Zatoka.

BACKGROUND ON ZATOKA

13. (C) Andrei Zatoka, a dual Russian and Turkmen citizen, was one of the first environmental activists in Turkmenistan. He has been a thorn in the side of the GOTX since he founded the Dashoguz Environmental Club in the late 1990s. A fellow member of the club was former prisoner and now dissident in exile Farid Tukhbatullin. Zatoka, an herpetologist by training, was convicted of illegal arms possession and possession of poisonous substances in January 2007 and given a suspended sentence. Zatoka admitted to previous Embassy Pol/Econ Chief that he, in fact, was in possession of illegal weapons and of poisonous substances, without a license, and was guilty of the crime. After his previous arrest, Mr. Zatoka's wife and daughter left Turkmenistan, with his wife only visiting three times in the past three years. After the pardon, Mr. Zatoka was denied exit from Turkmenistan until

his original sentence expired in January 2010.

14. (C) Despite constant purported harassment and surveillance by GOTX officials, Zatoka remained active in the human rights and NGO world, including regular contributions to dissident websites. According to Evgeniya Zatoka, in the summer of 2009, Zatoka faced an official complaint by his neighbor about his supposed "lurid" lifestyle and the smell emanating from his apartment. The complaint was investigated and found to be baseless. Zatoka also complained to his wife of regularly being followed by police and plain-clothed officers.

TWO VERSIONS OF THE ALTERCATION

15. (C) PAO was able to obtain two documents that outline the two versions of the incident that led to Zatoka's arrest, the official "Indicting Charges" filed by the State Investigator on October 24th 2010; and the courtroom statement as prepared by Zatoka's attorney.

16. (C) According to the State Investigator, Zatoka stepped on the foot of the "victim," Adilbek Artikovich Kazakov. When Kazakov pushed Zatoka in order to free his foot, Zatoka allegedly attacked Kazakov. Kazakov testified that Zatoka refused to apologize for stepping on his foot. According to the State Investigator, Zatoka twisted Kazakov's arm, punched him in the back of the head causing him to fall, and then picked him up in a headlock. Zatoka was apprehended while holding Kazakov in a headlock. According to State Investigators, Zatoka's actions caused "moderate harm" to

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Kazakov, resulting in charges with a maximum sentence of five years.

17. (C) Zatoka maintains that Kazakov began the altercation by screaming at him and attempting an attack. Zatoka then decided to use his knowledge of karate to protect himself and to disable Kazakov until such time as the police could assist. Zatoka claimed that he first grabbed Kazakov around the body, securing Kazakov's arms to his body, but after avoiding an attempted head-butt, Zatoka then moved to further disable Kazakov by putting him in a head-lock. Zatoka then yelled for the police.

THE INVESTIGATION

18. (C) Zatoka and Kazakov were apprehended around 1230 in the afternoon on October 20. Kazakov was released by the police at 1500, before police had begun an investigation. According to Zatoka's attorney Yagmyrov, within 15 minutes, the government medical examiner provided his report outlining the harm caused to Kazakov, including a broken arm. Zatoka's wife maintained that the X-ray of Kazakov's arm used in the medical exam was from a previous injury sustained in May 2009. She said that Zatoka and his lawyer were not shown detailed medical records of Kazakov.

19. (C) Within eight hours, the State Investigator had finished the investigation and officially charged Zatoka at 0100 on October 21. The investigation included interviews with Zatoka, Kazakov, and seven witnesses. None of the witnesses interviewed by the State Investigator saw the beginning of the fight and only observed the action when Zatoka had Kazakov in a headlock.

THE TRIAL AND A PLANNED APPEAL

110. (C) After a seven hour trial on October 29, Zatoka was given the maximum sentence of five years. According to Zatoka's attorney Yagmyrov, none of the various motions made by the defense were approved by the judge. Motions included a request to find witnesses that had seen the beginning of the altercation, an attempt to garner a second medical

opinion of Kazakov's injuries, and an attempt to delay the trial until three business days after the official accusations were made (October 24). Yagmyrov explained that he plans to appeal to the regional court within the ten-day period following the verdict, and if necessary to continue on to the Supreme Court.

IF THIS WAS A SETUP, WHY NOW?

¶11. (C) While consistently maintaining that Zatoka was setup, and that the altercation was planned, the contacts that met with the PAO had inconsistent reasons to explain the timing or motive. Zatoka was nearing the end of his suspended sentence and the related restriction against leaving Turkmenistan, and according to Evgeniya Zatoka, was planning to depart for Russia in January if not earlier. She speculated that perhaps this incident was planned to shutter the doors on him once and for all. Umida Jumabayeva, Zatoka's associate, speculated that perhaps local authorities were interested in gaining possession of Zatoka's five-room apartment in the center of Dashoguz, and were using the arrest as a reason to evict him. Finally, Zatoka himself speculated in his testimony to the police that this attack had "the appearance of having been ordered under the hidden pressure of the organs of national security, although the essence of their pretenses to me is unclear."

A POSSIBLE SOLUTION

¶12. (C) Evgeniya Zatoka mentioned that Zatoka was willing to give up his Turkmen citizenship if he could be deported or

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extradited to the Russian Federation. She hopes that the Russian Ambassador in Turkmenistan will advocate for Zatoka's release.

¶13. (C) COMMENT: It is unclear whether the altercation was a setup, a fight instigated by Zatoka, or just a fight that took place between two hot heads. One possible solution to get Zatoka out of jail lies with the fact that he is a dual Russian-Turkmen national. If he renounces his Turkmen citizenship, it is possible the Turkmen will treat him as a foreigner. There is ample precedent of the GOTX granting amnesty and then deporting convicted Turkish and other foreign nationals (including some who have been given sentences as long as 15 years) after only six to nine months of imprisonment for various violent crimes. END COMMENT.
CURRAN